

**Senate File 2251 - Introduced**

SENATE FILE 2251  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3173)

**A BILL FOR**

1 An Act relating to driver's license sanctions, including  
2 the issuance of temporary restricted licenses and certain  
3 requirements relating to ignition interlock devices, and  
4 providing penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.215, subsection 2, Code 2009, is  
2 amended to read as follows:

3 2. ~~a.~~ Upon conviction and the suspension or revocation  
4 of a person's noncommercial driver's license under section  
5 321.209, subsection 5 or 6~~+~~, or section 321.210~~+~~, 321.210A~~+~~, or  
6 321.513; or upon revocation pursuant to a court order issued  
7 under section 901.5, subsection 10; or upon the denial of  
8 issuance of a noncommercial driver's license under section  
9 321.560, based solely on offenses enumerated in section  
10 321.555, subsection 1, paragraph "c", or section 321.555,  
11 subsection 2; or ~~a juvenile, whose license has been suspended~~  
12 ~~or revoked~~ upon suspension or revocation of a juvenile's  
13 driver's license pursuant to a dispositional order under  
14 section 232.52, subsection 2, paragraph "a", for a violation  
15 of chapter 124 or 453B, or section 126.3; or upon suspension  
16 of a driver's license pursuant to a court order under section  
17 714.7D, ~~a the person may petition the district court having~~  
18 ~~jurisdiction over the residence of the person~~ apply to the  
19 department for a temporary restricted license to operate a  
20 motor vehicle for the limited purpose or purposes specified in  
21 subsection 1. ~~The petition shall include a current certified~~  
22 ~~copy of the petitioner's official driving record issued by the~~  
23 ~~department.~~ The application may be granted only if all of the  
24 following criteria are satisfied:

25 (1) a. The temporary restricted license is requested only  
26 for a case of extreme hardship or compelling circumstances  
27 where alternative means of transportation do not exist.

28 (2) ~~The license applicant has not made an application for a~~  
29 ~~temporary restricted license in any district court in the state~~  
30 ~~which was denied.~~

31 (3) b. The temporary restricted license is restricted to  
32 the limited purpose or purposes specified in subsection 1 at  
33 times specified in the license.

34 (4) c. Proof of financial responsibility is established as  
35 defined in chapter 321A. However, such proof is not required

1 if the driver's license was suspended under section 321.210A  
2 or 321.513 or revoked pursuant to a court order issued under  
3 section 901.5, subsection 10.

4 ~~b. If the district court determines that a temporary~~  
5 ~~restricted license is necessary, the court shall order~~  
6 ~~the department to issue a temporary restricted license to~~  
7 ~~the applicant. The court shall forward a record of each~~  
8 ~~application for a temporary restricted license to the~~  
9 ~~department, together with the results of the disposition of the~~  
10 ~~request by the court.~~

11 Sec. 2. Section 321.560, subsection 1, paragraph b, Code  
12 2009, is amended to read as follows:

13 b. A temporary restricted license may be issued pursuant to  
14 section ~~321J.4, subsection 9~~ 321J.20, subsection 2, to a person  
15 declared to be a habitual offender due to a combination of the  
16 offenses listed under section 321.555, subsection 1, paragraphs  
17 "b" and "c".

18 Sec. 3. Section 321J.2, subsection 2, paragraph a,  
19 subparagraph (3), subparagraph divisions (a) and (b), Code  
20 2009, are amended to read as follows:

21 (a) A defendant whose alcohol concentration is .08 or  
22 more but not more than .10 shall not be eligible for any  
23 temporary restricted license for at least thirty days if a  
24 test was obtained and an accident resulting in personal injury  
25 or property damage occurred. The department shall require  
26 the defendant shall be ordered to install an ignition interlock  
27 device of a type approved by the commissioner of public safety  
28 on all vehicles owned or operated by the defendant if the  
29 defendant seeks a temporary restricted license. There shall be  
30 no such period of ineligibility if no such accident occurred,  
31 and the defendant shall not be ~~ordered~~ required to install an  
32 ignition interlock device.

33 (b) A defendant whose alcohol concentration is more than .10  
34 shall not be eligible for any temporary restricted license for  
35 at least thirty days if a test was obtained, and an accident

1 resulting in personal injury or property damage occurred or the  
2 defendant's alcohol concentration exceeded .15. There shall be  
3 no such period of ineligibility if no such accident occurred  
4 and the defendant's alcohol concentration did not exceed .15.  
5 In either case, where a defendant's alcohol concentration is  
6 more than .10, the department shall require the defendant shall  
7 ~~be ordered~~ to install an ignition interlock device of a type  
8 approved by the commissioner of public safety on all vehicles  
9 owned or operated by the defendant if the defendant seeks a  
10 temporary restricted license.

11 Sec. 4. Section 321J.4, subsections 1 and 2, Code Supplement  
12 2009, are amended to read as follows:

13 1. If a defendant is convicted of a violation of section  
14 321J.2 and the defendant's driver's license or nonresident  
15 operating privilege has not been revoked under section 321J.9  
16 or 321J.12 for the occurrence from which the arrest arose, the  
17 department shall revoke the defendant's driver's license or  
18 nonresident operating privilege for one hundred eighty days  
19 if the defendant submitted to chemical testing and has had  
20 no previous conviction or revocation under this chapter and  
21 shall revoke the defendant's driver's license or nonresident  
22 operating privilege for one year if the defendant refused to  
23 submit to chemical testing and has had no previous conviction  
24 or revocation under this chapter. The defendant shall not be  
25 eligible for any temporary restricted license for at least  
26 ninety days if a test was refused under section 321J.9. The  
27 department may presume the defendant refused chemical testing  
28 absent evidence the defendant submitted to chemical testing.

29 a. A defendant whose alcohol concentration is .08 or  
30 more but not more than .10 shall not be eligible for any  
31 temporary restricted license for at least thirty days if a  
32 test was obtained and an accident resulting in personal injury  
33 or property damage occurred. The department shall require  
34 the defendant shall be ordered to install an ignition interlock  
35 device of a type approved by the commissioner of public safety

1 on all vehicles owned or operated by the defendant if the  
2 defendant seeks a temporary restricted license. There shall be  
3 no such period of ineligibility if no such accident occurred,  
4 and the defendant shall not be ~~ordered~~ required to install an  
5 ignition interlock device.

6     *b.* A defendant whose alcohol concentration is more than .10  
7 shall not be eligible for any temporary restricted license for  
8 at least thirty days if a test was obtained and an accident  
9 resulting in personal injury or property damage occurred or the  
10 defendant's alcohol concentration exceeded .15. There shall be  
11 no such period of ineligibility if no such accident occurred  
12 and the defendant's alcohol concentration did not exceed .15.  
13 In either case, where a defendant's alcohol concentration is  
14 more than .10, the department shall require the defendant shall  
15 ~~be ordered~~ to install an ignition interlock device of a type  
16 approved by the commissioner of public safety on all vehicles  
17 owned or operated by the defendant if the defendant seeks a  
18 temporary restricted license.

19     *c.* If the defendant is under the age of twenty-one, the  
20 defendant shall not be eligible for a temporary restricted  
21 license for at least sixty days after the effective date of  
22 revocation.

23     2. If a defendant is convicted of a violation of section  
24 321J.2, and the defendant's driver's license or nonresident  
25 operating privilege has not already been revoked under section  
26 321J.9 or 321J.12 for the occurrence from which the arrest  
27 arose, the department shall revoke the defendant's driver's  
28 license or nonresident operating privilege for ~~two years~~ one  
29 year if the defendant submitted to chemical testing and has  
30 had a previous conviction or revocation under this chapter and  
31 shall revoke the defendant's driver's license or nonresident  
32 operating privilege for two years if the defendant refused to  
33 submit to chemical testing and has had a previous revocation  
34 under this chapter. The defendant shall not be eligible for  
35 any temporary restricted license for forty-five days after the

1 effective date of revocation if the defendant submitted to  
2 chemical testing and shall not be eligible for any temporary  
3 restricted license for ninety days after the effective date  
4 of revocation if the defendant refused chemical testing.  
5 The department may presume the defendant refused chemical  
6 testing absent evidence the defendant submitted to chemical  
7 testing. A temporary restricted license issued under this  
8 section shall be issued in accordance with section 321J.20,  
9 subsection 2. The department shall require the defendant shall  
10 ~~be ordered~~ to install an ignition interlock device of a type  
11 approved by the commissioner of public safety on all vehicles  
12 owned or operated by the defendant if the defendant seeks a  
13 temporary restricted license at the end of the minimum period  
14 of ineligibility. A temporary restricted license shall not  
15 be granted by the department until the defendant installs the  
16 ignition interlock device.

17 Sec. 5. Section 321J.4, subsection 3, paragraphs a and b,  
18 Code Supplement 2009, are amended to read as follows:

19 a. A defendant whose alcohol concentration is .08 or  
20 more but not more than .10 shall not be eligible for any  
21 temporary restricted license for at least thirty days if a  
22 test was obtained and an accident resulting in personal injury  
23 or property damage occurred. The department shall require  
24 the defendant shall be ordered to install an ignition interlock  
25 device of a type approved by the commissioner of public safety  
26 on all vehicles owned or operated by the defendant if the  
27 defendant seeks a temporary restricted license. There shall be  
28 no such period of ineligibility if no such accident occurred,  
29 and the defendant shall not be ~~ordered~~ required to install an  
30 ignition interlock device.

31 b. A defendant whose alcohol concentration is more than .10  
32 shall not be eligible for any temporary restricted license for  
33 at least thirty days if a test was obtained and an accident  
34 resulting in personal injury or property damage occurred or the  
35 defendant's alcohol concentration exceeded .15. There shall be

1 no such period of ineligibility if no such accident occurred  
2 and the defendant's alcohol concentration did not exceed .15.  
3 In either case, where a defendant's alcohol concentration is  
4 more than .10, the department shall require the defendant shall  
5 ~~be ordered~~ to install an ignition interlock device of a type  
6 approved by the commissioner of public safety on all vehicles  
7 owned or operated by the defendant if the defendant seeks a  
8 temporary restricted license.

9 Sec. 6. Section 321J.4, subsection 4, Code Supplement 2009,  
10 is amended to read as follows:

11 4. Upon a plea or verdict of guilty of a third or subsequent  
12 violation of section 321J.2, ~~the court shall order the~~  
13 ~~department to~~ shall revoke the defendant's driver's license  
14 or nonresident operating privilege for a period of six years.  
15 The defendant shall not be eligible for a temporary restricted  
16 license for at least one year after the effective date of the  
17 revocation. ~~The court shall require the defendant to surrender~~  
18 ~~to it all Iowa licenses or permits held by the defendant,~~  
19 ~~which the court shall forward to the department with a copy~~  
20 ~~of the order for revocation.~~ The department shall require  
21 the defendant ~~shall be ordered~~ to install an ignition interlock  
22 device of a type approved by the commissioner of public safety  
23 on all vehicles owned or operated by the defendant if the  
24 defendant seeks a temporary restricted license at the end of  
25 the minimum period of ineligibility. A temporary restricted  
26 license shall not be granted by the department until the  
27 defendant installs the ignition interlock device.

28 Sec. 7. Section 321J.4, subsection 9, Code Supplement 2009,  
29 is amended by striking the subsection.

30 Sec. 8. Section 321J.9, subsection 2, Code 2009, is amended  
31 to read as follows:

32 2. a. A person whose driver's license or nonresident  
33 operating privileges are revoked under subsection 1, ~~paragraph~~  
34 ~~"a"~~, shall not be eligible for a temporary restricted license  
35 for at least ninety days after the effective date of the

1 revocation. ~~A person whose driver's license or nonresident~~  
2 ~~operating privileges are revoked under subsection 1, paragraph~~  
3 ~~"b", shall not be eligible for a temporary restricted~~  
4 ~~license for at least one year after the effective date of the~~  
5 ~~revocation.~~

6 *b.* The department shall require the defendant ~~shall be~~  
7 ~~ordered~~ to install an ignition interlock device of a type  
8 approved by the commissioner of public safety on all vehicles  
9 owned or operated by the defendant if the defendant seeks a  
10 temporary restricted license at the end of the minimum period  
11 of ineligibility. A temporary restricted license shall not  
12 be granted by the department until the defendant installs the  
13 ignition interlock device.

14 Sec. 9. Section 321J.12, subsection 2, Code 2009, is amended  
15 to read as follows:

16 2. *a.* A person whose driver's license or nonresident  
17 operating privileges have been revoked under subsection 1,  
18 paragraph "a", whose alcohol concentration is .08 or more but  
19 not more than .10 shall not be eligible for any temporary  
20 restricted license for at least thirty days after the effective  
21 date of the revocation if a test was obtained and an accident  
22 resulting in personal injury or property damage occurred. The  
23 department shall require the defendant ~~shall be ordered~~ to  
24 install an ignition interlock device of a type approved by  
25 the commissioner of public safety on all vehicles owned or  
26 operated by the defendant if the defendant seeks a temporary  
27 license. There shall be no such period of ineligibility if  
28 no such accident occurred, and the defendant shall not be  
29 ~~ordered~~ required to install an ignition interlock device.

30 *b.* A defendant whose alcohol concentration is more than .10  
31 shall not be eligible for any temporary restricted license for  
32 at least thirty days if a test was obtained and an accident  
33 resulting in personal injury or property damage occurred or the  
34 defendant's alcohol concentration exceeded .15. There shall be  
35 no such period of ineligibility if no such accident occurred

1 and the defendant's alcohol concentration did not exceed .15.  
2 In either case, where a defendant's alcohol concentration is  
3 more than .10, the department shall require the defendant shall  
4 ~~be ordered~~ to install an ignition interlock device of a type  
5 approved by the commissioner of public safety on all vehicles  
6 owned or operated by the defendant if the defendant seeks a  
7 temporary restricted license.

8 c. If the person is under the age of twenty-one, the person  
9 shall not be eligible for a temporary restricted license for at  
10 least sixty days after the effective date of the revocation.

11 d. A person whose license or privileges have been revoked  
12 under subsection 1, paragraph "b", for one year shall not  
13 be eligible for any temporary restricted license for one  
14 year after the effective date of the revocation, and the  
15 department shall require the person shall be ordered to  
16 install an ignition interlock device of a type approved by the  
17 commissioner of public safety on all vehicles owned or operated  
18 by the defendant if the defendant seeks a temporary restricted  
19 license at the end of the minimum period of ineligibility.  
20 A temporary restricted license issued under this paragraph  
21 shall be issued pursuant to section 321J.20, subsection 2. A  
22 temporary restricted license shall not be granted by the  
23 department until the defendant installs the ignition interlock  
24 device.

25 Sec. 10. Section 321J.17, subsection 3, Code 2009, is  
26 amended to read as follows:

27 3. The department shall also require certification of  
28 installation of an ignition interlock device of a type approved  
29 by the commissioner of public safety on all motor vehicles  
30 owned or operated by any person seeking reinstatement following  
31 a second or subsequent ~~conviction for a violation of section~~  
32 321J.2 revocation under section 321J.4, 321J.9, or 321J.12,  
33 unless such a person has previously received a temporary  
34 restricted license during the term of the revocation as  
35 authorized by this chapter. The requirement for the

1 installation of an approved ignition interlock device shall be  
2 for one year from the date of reinstatement unless a different  
3 time period is required by statute.

4 Sec. 11. Section 321J.20, Code 2009, is amended to read as  
5 follows:

6 **321J.20 Temporary restricted license — ignition interlock**  
7 **devices.**

8 1. a. The department may, on application, issue a temporary  
9 restricted license to a person whose noncommercial driver's  
10 license is revoked under this chapter allowing the person to  
11 drive to and from the person's home and specified places at  
12 specified times which can be verified by the department and  
13 which are required by the person's full-time or part-time  
14 employment, continuing health care or the continuing health  
15 care of another who is dependent upon the person, continuing  
16 education while enrolled in an educational institution on a  
17 part-time or full-time basis and while pursuing a course of  
18 study leading to a diploma, degree, or other certification of  
19 successful educational completion, substance abuse treatment,  
20 court-ordered community service responsibilities, and  
21 appointments with the person's parole or probation officer if  
22 the person's driver's license has not been revoked previously  
23 under section 321J.4, 321J.9, or 321J.12 and if any of the  
24 following apply:

25 ~~a.~~ (1) The person's noncommercial driver's license  
26 is revoked under section 321J.4 and the minimum period of  
27 ineligibility for issuance of a temporary restricted license  
28 has expired. This subsection shall not apply to a revocation  
29 ordered under section 321J.4 resulting from a plea or verdict  
30 of guilty of a violation of section 321J.2 that involved a  
31 death.

32 ~~b.~~ (2) The person's noncommercial driver's license is  
33 revoked under section 321J.9 and the person has entered a plea  
34 of guilty on a charge of a violation of section 321J.2 which  
35 arose from the same set of circumstances which resulted in

1 the person's driver's license revocation under section 321J.9  
2 and the guilty plea is not withdrawn at the time of or after  
3 application for the temporary restricted license, and the  
4 minimum period of ineligibility for issuance of a temporary  
5 restricted license has expired.

6 ~~e.~~ (3) The person's noncommercial driver's license is  
7 revoked under section 321J.12, and the minimum period of  
8 ineligibility for issuance of a temporary restricted license  
9 has expired.

10 b. ~~However, a~~ A temporary restricted license may be issued  
11 under this subsection if the person's noncommercial driver's  
12 license is revoked for two years under ~~section 321J.9, and the~~  
13 ~~revocation is a second revocation under this chapter~~ section  
14 321J.4, subsection 2, or section 321J.9, subsection 1,  
15 paragraph "b", and the first three hundred sixty-five days of  
16 the revocation have expired.

17 ~~2. c.~~ c. This ~~section~~ subsection does not apply to a person  
18 whose license was revoked under section 321J.2A or section  
19 321J.4, subsection 4 or 6, or to a person whose license is  
20 suspended or revoked for another reason.

21 d. Following the applicable minimum period of ineligibility,  
22 a temporary restricted license under this subsection shall not  
23 be issued until the applicant installs an ignition interlock  
24 device of a type approved by the commissioner of public safety  
25 on all motor vehicles owned or operated by the applicant in  
26 accordance with section 321J.2, 321J.4, 321J.9, or 321J.12.  
27 Installation of an ignition interlock device under this  
28 subsection shall be required for the period of time for which  
29 the temporary restricted license is issued.

30 2. a. A person whose noncommercial driver's license has  
31 either been revoked under this chapter, or revoked or suspended  
32 under chapter 321 solely for violations of this chapter, or who  
33 has been determined to be a habitual offender under chapter 321  
34 based solely on violations of this chapter or on violations  
35 listed in section 321.560, subsection 1, paragraph "b", and

1 who is not eligible for a temporary restricted license under  
2 subsection 1 may apply to the department upon the expiration of  
3 the minimum period of ineligibility for a temporary restricted  
4 license provided for under section 321J.4, 321J.9, 321J.12,  
5 or 321.560 for a temporary restricted license notwithstanding  
6 section 321.560.

7 b. The department shall determine if the temporary  
8 restricted license is necessary for the person to maintain the  
9 person's present employment. However, a temporary restricted  
10 license shall not be issued for a violation of section 321J.2A  
11 or to a person under the age of twenty-one whose license is  
12 revoked under section 321J.4, 321J.9, or 321J.12. If the  
13 department determines that the temporary restricted license  
14 is necessary for the person to maintain the person's present  
15 employment, and that the minimum period of ineligibility for  
16 receipt of a temporary restricted license has expired, the  
17 department may issue to the person a temporary restricted  
18 license conditioned upon the installation of an approved  
19 ignition interlock device on all motor vehicles owned or  
20 operated by the person. A person whose driver's license or  
21 nonresident operating privilege has been revoked under section  
22 321J.21 may apply to the department for a temporary restricted  
23 license without the requirement of an ignition interlock device  
24 if at least twelve years have elapsed since the end of the  
25 underlying revocation period for a violation of section 321J.2.

26 c. Notwithstanding paragraph "b", a temporary restricted  
27 license issued to a person whose noncommercial driver's license  
28 has been revoked under section 321J.4, subsection 2, section  
29 321J.9, subsection 1, paragraph "b", or section 321J.12,  
30 subsection 1, paragraph "b", may not be issued for any purpose  
31 not permitted by 23 U.S.C. § 164. This restriction applies  
32 only during the first three hundred sixty-five days of the  
33 person's revocation period.

34 3. If a person required to install an ignition interlock  
35 device operates a motor vehicle which does not have an approved

1 ignition interlock device or if the person tampers with or  
2 circumvents an ignition interlock device, in addition to other  
3 penalties provided, the person's temporary restricted license  
4 shall be revoked.

5 ~~3.~~ 4. A person holding a temporary restricted license  
6 issued by the department under this section shall not operate  
7 a motor vehicle for pleasure.

8 ~~4.~~ 5. A person holding a temporary restricted license  
9 issued by the department under this section shall not operate  
10 a commercial motor vehicle on a highway if a commercial  
11 driver's license is required for the person's operation of the  
12 commercial motor vehicle.

13 ~~5.~~ 6. A person holding a temporary license issued by  
14 the department under this chapter shall be prohibited from  
15 operating a school bus.

16 ~~6. Following certain minimum periods of ineligibility, a~~  
17 ~~temporary restricted license under this section shall not be~~  
18 ~~issued until such time as the applicant installs an ignition~~  
19 ~~interlock device of a type approved by the commissioner of~~  
20 ~~public safety on all motor vehicles owned or operated by the~~  
21 ~~applicant, in accordance with section 321J.2, 321J.4, 321J.9,~~  
22 ~~or 321J.12. Installation of an ignition interlock device under~~  
23 ~~this section shall be required for the period of time for which~~  
24 ~~the temporary restricted license is issued.~~

25 7. Notwithstanding any provision of this chapter to the  
26 contrary, the department may issue a temporary restricted  
27 license to a person otherwise eligible for a temporary  
28 restricted license under this section, whose period of  
29 revocation under this chapter has expired, but who has not met  
30 all requirements for reinstatement of the person's driver's  
31 license or nonresident operating privileges.

32 8. A person who tampers with or circumvents an ignition  
33 interlock device installed as required in this chapter and  
34 while the requirement for the ignition interlock device is in  
35 effect commits a serious misdemeanor.

1     Sec. 12. Section 707.6A, subsection 1, Code 2009, is amended  
2 to read as follows:

3     1. A person commits a class "B" felony when the person  
4 unintentionally causes the death of another by operating a  
5 motor vehicle while intoxicated, as prohibited by section  
6 321J.2.

7     1A. Upon a plea or verdict of guilty of a violation of  
8 ~~this subsection 1~~, the court shall do the following:

9     ~~a. Order the state department of transportation to revoke~~  
10 ~~the defendant's driver's license or nonresident operating~~  
11 ~~privileges for a period of six years. The defendant shall~~  
12 ~~surrender to the court any Iowa license or permit and the court~~  
13 ~~shall forward the license or permit to the department with~~  
14 ~~a copy of the revocation order of conviction. Upon receipt~~  
15 ~~of the order of conviction, the department shall revoke the~~  
16 ~~defendant's driver's license or nonresident operating privilege~~  
17 ~~for a period of six years. The defendant shall not be eligible~~  
18 ~~for a temporary restricted license for at least two years after~~  
19 ~~the revocation.~~

20     1B. ~~b. Order~~ Upon a plea or verdict of guilty of a  
21 violation of subsection 1, the court shall order the defendant,  
22 at the defendant's expense, to do the following:

23     a. ~~(1)~~ Enroll, attend, and satisfactorily complete a course  
24 for drinking drivers, as provided in section 321J.22.

25     b. ~~(2)~~ Submit to evaluation and treatment or rehabilitation  
26 services.

27     1C. ~~c.~~ A driver's license or nonresident operating  
28 privilege shall not be reinstated until proof of completion of  
29 the requirements of ~~paragraph "b"~~ subsection 1B is presented to  
30 the department.

31     1D. ~~d.~~ Where the program is available and appropriate for  
32 the defendant, the court shall also order the defendant to  
33 participate in a reality education substance abuse prevention  
34 program as provided in section 321J.24.

35

EXPLANATION

1 This bill relates to driver's license sanctions, including  
2 the issuance of temporary restricted licenses and certain  
3 requirements relating to ignition interlock devices, and  
4 provides a penalty.

5 The bill amends Code section 321.215 to allow the department  
6 of transportation to issue a temporary restricted license to  
7 a person whose noncommercial driver's license is suspended or  
8 revoked under Code chapter 321 (motor vehicles and laws of the  
9 road) without requiring the court to order the department to  
10 do so.

11 The bill amends Code section 321J.2 (Iowa's operating  
12 while intoxicated (OWI) law) to allow the department of  
13 transportation to issue a temporary restricted license under  
14 Code chapter 321J without requiring the court to order the  
15 department to do so. The bill makes conforming changes to Code  
16 sections 321J.4 (revocations relating to OWI offenses), 321J.9  
17 (refusals to submit to chemical testing), and 321J.12 (test  
18 result revocations).

19 The bill amends Code section 321J.4 (revocations for OWI  
20 offenses) to allow repeat (second or subsequent) OWI offenders  
21 to obtain a temporary restricted license after a 45-day hard  
22 suspension in compliance with the purposes allowed under  
23 federal law, pursuant to 23 U.S.C. § 164 (minimum penalties  
24 for repeat offenders for driving while intoxicated or driving  
25 under the influence). Corresponding changes are made in Code  
26 sections 321J.9, 321J.12, and 321J.20 (temporary restricted  
27 licenses issued for revocations under Code chapter 321J).

28 The bill also amends Code section 321J.4, to allow the  
29 department of transportation to trigger the six-year revocation  
30 period for a third or subsequent OWI conviction upon the  
31 department's receipt of the order of conviction, rather than  
32 requiring the court to order the department to impose the  
33 revocation.

34 The bill amends Code section 321J.9 to allow a person whose  
35 license is revoked after refusing to submit to chemical testing

1 for OWI and who has a previous OWI revocation to apply for a  
2 temporary restricted license after a hard 90-day revocation.  
3 Under current law, a person is not eligible for a temporary  
4 restricted license for at least one year after the effective  
5 date of the revocation.

6 The bill amends Code section 321J.12 to allow second and  
7 subsequent OWI offenders to obtain a temporary restricted  
8 license after a 45-day hard suspension in compliance with the  
9 purposes allowed under 23 U.S.C. § 164. Conforming changes are  
10 made in Code sections 321J.4, 321J.9, and 321J.20.

11 The bill amends Code section 321J.17 to clarify that an  
12 ignition interlock device is required following a second or  
13 subsequent OWI offense revocation rather than a second or  
14 subsequent OWI conviction.

15 The bill amends Code section 321J.20 to allow second or  
16 subsequent OWI offenders to obtain a temporary restricted  
17 license after a 45-day hard suspension in compliance with the  
18 purposes allowed under 23 U.S.C. § 164. The bill provides  
19 that a person who tampers with or circumvents an ignition  
20 interlock device installed as required under Code chapter 321J  
21 and while the requirement for the ignition interlock device is  
22 in effect commits a serious misdemeanor. A serious misdemeanor  
23 is punishable by confinement for no more than one year and  
24 a fine of at least \$315 but not more than \$1,875. Current  
25 law provides that a person who tampers with or circumvents  
26 an ignition interlock device installed under a court order  
27 while an order is in effect commits a serious misdemeanor.  
28 Conforming changes are made in Code sections 321.560, 321J.4,  
29 321J.9, and 321J.12. The bill amends Code section 707.6A to  
30 allow the department to revoke the defendant's driver's license  
31 or nonresident operating privilege for a period of six years  
32 for the defendant's conviction of homicide or serious injury by  
33 vehicle upon the department's receipt of the conviction rather  
34 than requiring the court to order the department to impose the  
35 revocation.